

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTATE OF BERNARD J. SHERLIP, on	:	
behalf of itself and all others similarly	:	
situated,	:	
	:	
Plaintiff,	:	24-CV-4571 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
MORGAN STANLEY, MORGAN STANLEY &	:	
CO. LLC, and MORGAN STANLEY SMITH	:	
BARNEY LLC,	:	
	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on June 14, 2024, Plaintiff filed a Complaint in this action (Dkt. 1), which Defendants moved to dismiss on August 30, 2024 (Dkt. 32);

WHEREAS on September 16, 2024, the Court, pursuant to the parties' stipulation, entered an order setting a deadline of October 9, 2024, for Plaintiff to file an Amended Complaint, and setting a briefing schedule for Defendants' anticipated motion to dismiss the Amended Complaint (Dkt. 37);

WHEREAS on October 9, 2024, Plaintiff attempted to file an Amended Complaint (Dkt. 39), but encountered a clerical error; and

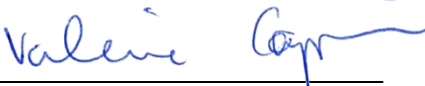
WHEREAS Plaintiff re-filed the Amended Complaint on October 10, 2024 (Dkt. 40), which corrected the clerical error but was otherwise identical to the version it attempted to file on October 9, 2024.

IT IS HEREBY ORDERED that the Amended Complaint filed at Dkt. 40 is accepted *nunc pro tunc* as timely.

IT IS FURTHER ORDERED that the Motion to Dismiss the original Complaint is DENIED as moot. The Clerk of the Court is respectfully directed to close the open motion at Dkt. 32.

SO ORDERED.

Date: October 11, 2024
New York, New York



VALERIE CAPRONI
United States District Judge